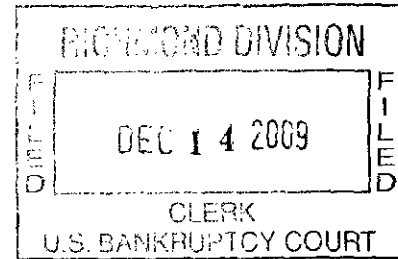


DEC. 7, 2009

BRUCE SENATOR F-99302  
California Men's Colony  
P.O. Box 8103  
San Luis Obispo, Ca.

93403-8103

Clerk of the Court  
U.S. Bankruptcy Court  
Eastern District of Virginia  
Richmond Div.  
701 East Broad St. Rm. 5000  
Richmond, VA 23219



RE: IN RE: Circuit City Stores, Inc. No. 08-35653 (KRH)

Dear Clerk,

As per my letter dated Dec 3, 2009 due to California state "furlough days" along with state prison "lockdowns", the enclosed OPPOSITION TO DEBTORS' SIXTIETH OMNIBUS OBJECTION REGARDING CLAIM 13082 was not returned to me so I could mail for filing and service until today, DEC 7, 2009.

It will be forwarded to the state prison mail room this evening, but will not be postmarked (actually entering the U.S. Postal system) until DEC 8, 2009. Under the "prison mailbox rule" the date of filing will be DEC 7, 2009 (*Houston v. Lack* (1988) 487 U.S. 266, 275-76).

Thanks,  
Bruce Senator

BRUCE SENATOR F-99302  
California Men's Colony  
P.O. Box 8103  
San Luis Obispo, Ca.  
93403-8103

UNITED STATES Bankruptcy Court  
Eastern District of Virginia  
Richmond Division

IN RE: CHAPTER 11  
Circuit City Stores, Inc et al, No. 08-35653 (KRH)  
Debtors  
BRUCE SENATOR  
Creditor and Objector  
OPPOSITION TO DEBTORS'  
SIXTIETH OMNIBUS  
OBJECTION REGARDING  
CLAIM 13082

Hearing Date: DEC. 21, 2009  
Time: 10:00 A.M.

JUDGE: KEVIN HUENNEKENS

In the Nov. 19, 2009 filed "NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON NOVEMBER 23, 2009 AT 10:00 A.M.", under section IV. CONFIRMATION MATTERS- ADJOURNED, at number 25 it appears BRUCE SENATOR's claim 13082 may be incorrectly listed as an "unsecured claim".

When BRUCE SENATOR paid in full, \$550.00 cash for product (laptop computer) with the contract including a \$150.00 rebate, that is a secured debt, not unsecured.

When BRUCE SENATOR made the contract, nothing was stated orally or in writing that the rebate check would 'time-out' in 90 days.

Irregardless of the check timing-out, the debt (from 2006) was secured by the amount of \$150 cash which I paid upon purchase to be rebated later.

### DEBTOR'S FRAUDULENT ACTIONS

Long before the creditor filed for bankruptcy protection they could have easily sent a replacement check, or a money order without a time-out provision. But the creditor failed to do so, instead engaging in unlawful "conversion" via fraudulent deceit.

DEBTOR'S COUNSELS'  
FRAUDULENT DECEIT

Upon creditor SENATOR reading in the newspaper about the Circuit City intent to seek bankruptcy and liquidation, he began the search for their corporate address.

In creditor SENATOR'S "OBJECTIONS TO THE  
"PLAN" For Claim 13082" are included letters to:

(a) Circuit City ATTN: REBATES

8-12-2008, 9-3-2008, 10-8-2008

[see in claim filing as attached]

(b) Legal Counsel

Circuit City Stores, Inc

9954 MAYLAND DRIVE

Richmond, VA 23223

1-17-2009, 5-11-2009

[see in claim filing as attached]

Debtor and Debtor's legal counsel acted to engage in fraudulent deceit, refusing to provide bankruptcy filing information nor claim filing information. [SENATOR had to search this out from writing to federal bankruptcy court clerks, who provided case info. and claim forms. But by the time it all arrived, time lapsed for filing.]

LATE CLAIM FILING  
DUE TO  
DEBTOR'S FRAUD  
AND  
DEBTOR'S COUNSEL'S FRAUD

We have debtor and debtors counsel clearly engaging in FALSE REPRESENTATION OR FRAUD (11 U.S.C. §523(a)(2)) resulting in Wilful and Malicious Injury (11 U.S.C. §523(a)(6)) in causing what appears to be a late claim filing.

EXCEPTED FROM DISCHARGE

Due to fraud on behalf of the above, the \$150 secured debt owed SENATOR cannot be discharged (11 U.S.C. §523(a)(2)(A))

TREBLE DAMAGE AWARD

SENATOR should be awarded his \$150 plus an additional \$450 in treble damages. (COHEN v. de la Cruz (1998) 523 U.S. 213, —, 118 S.Ct. 1212, 1216),

## Conclusion

Debtor's SIXTIETH OMNIBUS OBJECTION TO CLAIMS regarding creditor SENATOR'S claim 13082 for \$150.00, must be DENIED

Creditor SENATOR's claims:

- (a) Must be held as a secured claim
- (b) Irrespective if secured or unsecured,  
it would have been filed timely  
if not for fraud by debtor
- (c) Must be paid in full
- (d) Should be eligible for additional  
"treble damages" award.

VERIFIED TRUE & CORRECT UNDER PENALTY OF PERJURY:

Nov 24, 2009

Bruce Senator

BRUCE SENATOR F-99302

CREDITOR

ATTACHMENT

CREDITOR SENATOR'S

"PROOF OF CLAIM"

5-18-2009

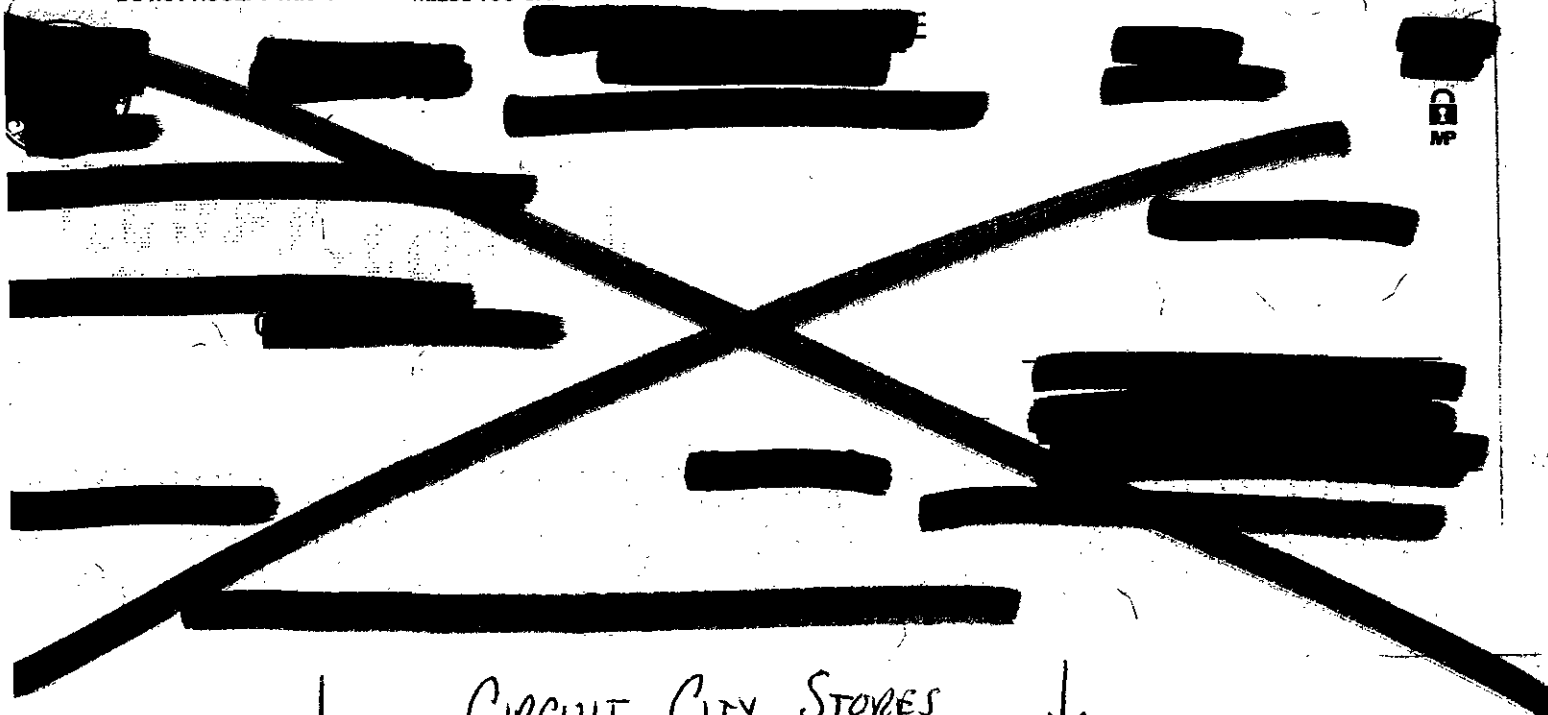
ATTACHMENT

B 10 (Official Form 10) (12/08)

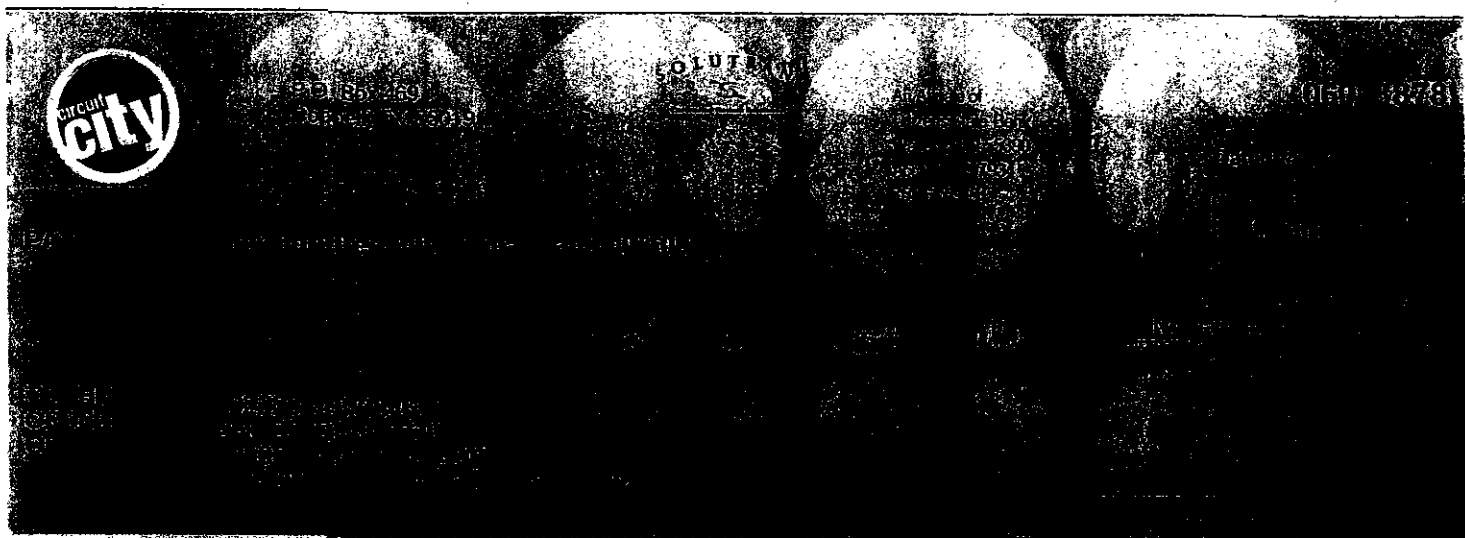
UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: <u>CIRCUIT CITY STORES, INC.</u>		Case Number: <u>08-35653-KRH</u>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>BRUCE SENATOR</u>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: <u>BRUCE SENATOR F-99302</u> <u>California Men's Colony</u> <u>P.O. Box 8103</u>		Court Claim Number: _____ (If known)
Telephone number: <u>San Luis Obispo, Ca, 93403-8103</u>		Filed on: _____
Name and address where payment should be sent (if different from above): <u>BRUCE SENATOR</u> <u>C/O NANCY LEE</u> <u>10502 Lamson Ave.</u>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number: <u>Garden Grove, Ca, 92840</u>		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: <u>\$ 150.00</u>		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.		Specify the priority of the claim.
If all or part of your claim is entitled to priority, complete item 5.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).
2. Basis for Claim: <u>REBATE CHECK FOR GOODS PURCHASED, EXPIRED</u> (See instruction #2 on reverse side.)		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).
3. Last four digits of any number by which creditor identifies debtor: _____		<input checked="" type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.		<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		Amount entitled to priority: \$ _____
Describe:  Value of Property: \$ _____ Annual Interest Rate _____ %		*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____		
Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)		
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.		
If the documents are not available, please explain:		
Date: <u>5-18-2009</u>	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <u>BRUCE SENATOR</u> <u>Bruce Senator</u>	FOR COURT USE ONLY



DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK - HOLD UP TO LIGHT TO SEE "SAFE" AND "VERIFY FIRST"



↓ CIRCUIT CITY STORES ↓  
check



06013878 091916873 737934

Never cashed.  
Just found them  
recently

May 11, 2009

Bruce Senator F-99302  
California Men's Colony  
P.O. Box 8103  
San Luis Obispo, CA 93403-8103

LEGAL COUNSEL  
- **BANKRUPTCY ACTION**  
Circuit City Stores, Inc.  
9954 Mayland Drive  
Richmond, VA 23233

RE: REBATE CHECK From Back In The Year 2006  
Check #: 06013878  
Amount: \$150.00  
Other Info: 202223143 / 134647

Dear Counsel,

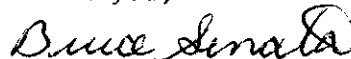
As I had not heard a word from you I started writing letters to the various federal bankruptcy courts. Finally I was advised by the court in Delaware that your action is filed in Richmond, VA. I have now written to that court seeking forms to file (1) A Creditor Claim, and (2) A Bankruptcy Fraud Claim.

You were STUPID to think I would let you slide by without paying me the \$150.00 you still owe me.

Now, with the FRAUD action I will file, you will NOT be able to get away with paying anything less than the full \$150.

As soon as the clerk of the court responds I will file my action for the claim and the fraud. STUPID!

Thank you,



Bruce Senator

January 17, 2009

Bruce Senator F-99302  
California Men's Colony  
P.O. Box 8103  
San Luis Obispo, CA 93403-0183

**LEGAL COUNSEL**

Circuit City Stores, Inc.  
9954 Mayland Drive  
Richmond, VA 23233

RE: REBATE CHECK From Back In The Year 2006  
Check #: 06013878  
Amount: \$150.00  
Other Info: 202223143 / 134647

Dear Legal Counsel,

Attached are copies of letters dated 10/8/2008, 9/3/2008, and 8/2/2008 along with a xerox of the \$150 rebate check in question. The initial check was issued in 2006. I purchased an ACER laptop computer from one of your stores in the San Fernando Valley, possibly in the City of Burbank, in August 2006 or Sept 2006. Shortly afterwards I was arrested and in the end run went to state prison.

The check was reissued to my friend's address in Garden Grove, Calif. as at that time I was in Orange County Jail. Unfortunately, my friend did not deposit the check and that is the status currently.

The \$150 rebate is due, and was due prior to your initial bankruptcy filing and recent decision to liquidate. I have tried to have it reissued but to no avail. Since your offices have not responded, this falls under the FRAUD statutes and thus bankruptcy would not cover you in this instance.

I need to know if you have me listed as a CREDITOR in the bankruptcy filing. If yes, why have I not been served. It comes down to this, either serve me as a CREDITOR or pay me the \$150. Otherwise, I will file a breach of contract/fraud civil suit in California.

Thank you,

  
Bruce Senator

BRUCE SENATOR P-99302  
California Men's Colony  
P.O. Box 8103  
San Luis Obispo, Ca. 93403-8103

10/8/2008

Circuit City

-ATTN: REBATES

P.O. Box 469

Coppell, TX 75019

RE: Check #: 06013878

Amnt: \$150.00

Order No: 202223143 / 034640

Ladies and Gentlemen,

On 8-12-2008 I sent a letter to my friend  
NANCY LEE to mail to you (copy attached). On  
9-3-2008 I wrote inquiring as to if you received  
the \$150 rebate check (copy attached).

Failure to reissue the check will result in  
a civil suit; an unnecessary but costly civil suit.  
Bankruptcy will not evade liability as the  
issue of fraudulent evasion is not protected.

Please reissue as requested to:

BRUCE SENATOR

c/o NANCY LEE

10502 Lampson Ave.

Garden Grove, Ca.

92840-5004

Thank You

Bruce Senator

BRUCE SENATOR F-99302  
California Men's Colony  
P.O. Box 8103  
San Luis Obispo, CA 93403-8103

9-3-2008

Circuit City

- ATTN: REBATES

P.O. Box 469

Coppell, TX 75019

RE: CHECK #: 06013878

Amount: \$150.00

Other Info: 202223143 / 034647

Ladies and Gentlemen,

Attached is a copy of a letter I mailed to my friend NANCY LEE which was to be forwarded to you for reissuance of the \$150 check. (A copy of which is attached).

Have you reissued the check? It should be pretty easy to Void-Out, Stop, etc. and reissue ... mailing directly to: NANCY LEE

10502 LAMPSON AVE.

GARDEN GROVE, CA.

92840

Thank You  
Bruce Senator

Bruce S. Smith  
c/o [unclear]  
10502 [unclear] Ave  
Garden Grove, CA 92640

8-12-2008

Circuit City

- ATTN: REBATE CHECKS

P.O. Box 469

Coppell, TX 75019

Re: Check # 06013878

Amount: \$150.00

OTHER INFO: 202223143/03487

Ladies and Gentlemen,

The enclosed check for a \$150 rebate was  
misplaced, being issued 04/02/07.

It states "Valid 90 days after issue."

Please return following

check to:

c/o [unclear]

10502 [unclear] Ave

Garden Grove, CA 92640

Thank You  
Bruce Smith

MC-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>BRUCE SENATOR F-99302</b> <b>California Men's Colony</b> <b>P.O. Box 8103</b> <b>San Luis Obispo, Ca. 93403-8103</b> TELEPHONE NO.: FAX NO. (Optional):		FOR COURT USE ONLY
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>BRUCE SENATOR IN PRO PER</b>		
UNITED STATES BANKRUPTCY COURT STREET ADDRESS: <b>701 E. BROAD ST., Suite 4000</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Richmond, Va. 23219-1888</b> BRANCH NAME: <b>Eastern District of Virginia</b>		
PLAINTIFF/PETITIONER: <b>IN RE CIRCUIT CITY STORES, INC</b> DEFENDANT/RESPONDENT:		
DECLARATION		CASE NUMBER: <b>08-35653-KRH</b>

Circuit City Stores, Inc filed its petition Nov 10, 2008.  
The attached letters go back prior to that time, and a copy of  
the \$150 [expired] rebate check goes back to 04/02/07 [2007].

Circuit City has refused for over two years now to reverse  
the expired check. Circuit City has refused to list me as a  
creditor, nor to even respond to my inquiries and demands.

11

As their actions are an attempt to defraud, and as my  
rebate came well over one-year prior to bankruptcy, their  
fraud means I must be paid all \$150. Not a penny less.

I had to track down the case by writing to multiple federal  
bankruptcy courts. I DEMAND PAYMENT IN FULL

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 18, 2009

BRUCE SENATOR

(TYPE OR PRINT NAME)

Bruce Senator

(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant  
☐ Respondent ☒ Other (Specify): Creditor

**VERIFICATION - 446, 2015.5 C.C.P.)**

**STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO**

I, the party of the above entitled actions, a citizen of the United States, over the age of eighteen years and a resident of San Luis Obispo County. My current address is:

BRUCE SENATOR, CDCR No.: F-99302  
California Men's Colony-West  
P.O. Box 8103 / Unit 4 Dorm 23 Bed 254  
San Luis Obispo, California 93403-8103

I CERTIFY (OR DECLARE), UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED ON 5-18-09, AT SAN LUIS OBISPO, CALIFORNIA, 93403-8103.

**PETITIONER (Signature)**

**DEED OF SERVICE BY MAIL**

**STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO**

I, not the party of the above entitled actions, am a citizen of the United States, over the age of eighteen years and a resident of San Luis Obispo County. My current address is:

BRUCE SENATOR, CDCR No.: F-99302  
California Men's Colony-West  
P.O. Box 8103 / Unit 4 Dorm 23 Bed 254  
San Luis Obispo, California 93403-8103

May 19, 2009 I SERVED THE WITHIN Proof of Claim;  
DECLARATION;  
THE PARTY: ATTACHMENTS

SAID ACTION, BY PLACING A TRUE COPY THEREOF IN A SEALED ENVELOPE WITH POSTAGE THEREON  
PAID, IN THE UNITED STATES MAIL AT CALIFORNIA MEN'S COLONY, SAN LUIS OBISPO, CA 93403-8103,  
ADDRESS AS FOLLOWS:

U.S. Bankruptcy Court 701 E. Broad St. #4000 Richmond, Va. 23219

Circuit City Claims Processing c/o Kuntzman Carson Consultants LLC  
2335 Alaska Ave. El Segundo, Ca. 90245  
Gregg M. Galorel SKADDEN ARPS SLATE MEAGHER & FLEM LLP  
One Rodney Sq. P.O. Box 636 Wilmington DE 19899

I CERTIFY (OR DECLARE), UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED ON 5-19-2009, AT SAN LUIS OBISPO, CALIFORNIA, 93403-8103.

Bruce Senator  
**DECLARANT (Signature)**



Senator

### VERIFICATION

I am a party of the above entitled action, or a next-friend petitioner, and over the age of eighteen years. My current address of residence is:

Name: BRUCE SENATOR CDCR #: F 99302  
Facility: California Men's Colony  
Address: P.O. Box 8103  
San Luis Obispo, Ca Zip Code: 93403 - 8103

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT UPON KNOWLEDGE AND BELIEF:

EXECUTED ON 11-24, 2009, AT San Luis Obispo, Ca  
(date) (location)

BRUCE SENATOR  
(print name)

Bruce Senator  
(signature)

\*\*\*\*\*

### PROOF OF SERVICE BY MAIL

I ☒ AM / ☐ AM NOT a party of the above entitled action, and over the age of eighteen years. My current address of residence is:

Name: BRUCE SENATOR CDCR #: F 99302  
Facility: California Men's Colony  
Address: P.O. Box 8103  
San Luis Obispo, Ca Zip Code 93403-8103

On 11-26 12-7-2009, 2009 I SERVED VIA U.S. MAIL THE FOLLOWING:

OPPOSITION TO DEBTORS' SIXTIETH OMNIBUS OBJECTION  
REGARDING CLAIM 13082

IN SAID ACTION BY PLACING A TRUE COPY/COPIES IN A SEALED ENVELOPE, WITH POSTAGE PREPAID, UPON THE FOLLOWING PARTIES, INTERESTED PARTIES, REAL PARTIES IN INTEREST:  
Clerk of the Bankruptcy Court United States Bankruptcy Court  
701 E. Broad St Rm 4000 Richmond, Va. 23219

SKADDEN, ARPS, SLATE, MEAGHER, & FLEM LLP One Rodney Sq. P.O. Box 636  
Wilmington, DE 19899-0636 (ATTN: Gregg Gulardi & Ian Fredericks)

McGuireWoods LLP One James Center 901 E. Cary St.  
Richmond, Va 23219 (ATTN: Dion Hayes & Douglas Foley)

SKADDEN, ARPS, SLATE, MEAGHER, & FLEM LLP 155 N. WACKED DR.  
Chicago, Ill 60606 (ATTN: CHRIS DICKERSON)

**\*\* [ ] SEE FOLLOWING PAGE(S) FOR ADDITIONAL SERVICE \*\***

VERIFIED TRUE AND CORRECT UNDER PENALTY OF PERJURY: 11-26, 2009

Bruce Senator  
(SIGNATURE OF DECLARANT)

12-7-2009